

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVONTA SHERMAN-WRIGHT,

Defendant.

8:13CR328

ORDER

This matter is before the court on the defendant's, Davonta Sherman-Wright, motion for copies of his criminal docket sheet, judgment, commitment, and plea agreement (Filing No. 61). The defendant has not filed a motion for post-conviction relief.

Under Rule 6(b) of the "Rules Governing Section 2255 Cases in the United States District Courts," a party requesting discovery must provide reasons for his requests and must specify any requested documents. Also, under 28 U.S.C. § 2250, if a petitioner is permitted to prosecute a petition for a writ of habeas corpus in forma pauperis, "the clerk of any court of the United States shall furnish to the petitioner without cost certified copies . . . the record . . . as may be required by order" 28 U.S.C. § 2250. The statute contemplates the filing of a motion for collateral review of a conviction before free copies of the record are furnished to the moving party. **See *Chapman v. United States***, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a section 2255 motion is premature). Accordingly, the court finds the motion should be denied at this time without prejudice to reassertion after filing a section 2255 petition or other timely motion. However, the defendant may request copies from the Clerk of the Court at his own expense. Upon consideration,

IT IS ORDERED:

The defendant's motion (Filing No. 61) is denied.

Dated this 20th day of October, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge